

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of February 11, 2016 Board Meeting – 9:30 a.m. – 12:30 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Gary Palman, D.O.; Melissa Michaud, PA-C; John F. Gaddis, D.O.; David Rydell, D.O. Member Excused: Marty W. McIntyre, Public Member

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Abigail Varga, Esquire; Christopher Taintor, Esquire

I. Complaints & Investigations

Dr. Thomas recited the Complaint Script. All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted.

A. CR2014-25

Board members reviewed the draft Decision & Order which was a result of the December 2015 hearing. Following review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Piper and voted to accept the Decision & Order regarding licensee Gary Winn, D.O., as written. Dr. Thomas, Case Reporter, did not vote; Dr. Rydell who was not present for the hearing, did not vote.

B. CR2015-19

Following thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Thomas, Case Reporter, did not vote.

C. IN2015-31

Following thorough review of the hospital report and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to issue a Board complaint. Dr. Rydell, Case Reporter, did not vote.

D. CR2015-37

Following review of the complaint, response, rebuttal and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Piper and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding appropriate communications with law enforcement.

E. IN2015-38

Following review of the hospital report and other information gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to issue a Board complaint. Dr. Rydell, Case Reporter, did not vote.

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F. CR2015-44

Following review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Rydell, Case Reporter, did not vote.

G. IN2015-49

Following review of the license renewal applications submitted online for both 2013 and 2015, the details provided regarding one of the Personal Data questions and information gathered by Det. Gioia, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to issue a complaint regarding unprofessional conduct. Dr. Rydell, Case Reporter, did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no contact from the licensee and that although he is licensed, he is not approved to practice, pursuant to Board Order. No Board action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no Consent Agreement compliance issues or other concerns. No Board action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no Consent Agreement compliance issues or new concerns. No Board action necessary.

III. Minutes/Revenue & Expense Reports

A. Review of Draft December 2015 Meeting Minutes

Following review of the December 2015 minutes, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to approve minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

IV. Other Business

A. Federation of State Medical Boards Annual Award Nominations Notice

No Board action necessary.

B. Draft Telemedicine Rule

The Board reviewed the most recent draft of the joint telemedicine rule and took this action:

MOTION: Made by Dr. Rydell, seconded by Dr. Piper and voted unanimously to move forward with joint rule making with the Board of Licensure in Medicine.

C. Review of Internet Prescribing Policy

Following review of the policy in place, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to table review of the policy at this time.

D. Legislation – Bills from 126th Legislature

Board members reviewed multiple LDs, taking no action at this time. All bills related to the Board and to licensing in general, are tracked not only by the Executive Secretary but by the Office of Commissioner, Anne Head. No action was necessary at this time.

E. Review of Relationship-Based Care Article

Dr. deKay briefly discussed this article with the Board, having asked that it be placed on the agenda as it is very much in line with the principles of osteopathic medicine.

F. NBOME Visitation Day Notice

Board members reviewed the notice. No Board action was necessary.

G. Election of Officers

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to table the Election of Officers until a later meeting.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted unanimously to approve the permanent licensure application submitted by: Alexia Noutsios, D.O.

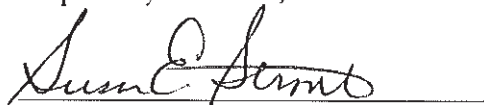
B. Correspondence from L Griegel, PA-C

Following review of Ms. Griegel's letter in which she asks if an extension of her license to practice under the supervision of an osteopathic physician is possible (due to the closing of the practice where she currently works), the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Gaddis and voted unanimously to notify Ms. Griegel that she must either renew her license or allow it to lapse as there is no provision in the statute for a license extension.

The meeting was adjourned at 12:30 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
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Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of March 10, 2016 Board Meeting – 9:30 a.m. – 1:15 p.m.

Members Present: Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Gary Palman, D.O.; Marty W. McIntyre, Public Member; Melissa Michaud, PA-C; John F. Gaddis, D.O. Members Excused: David Rydell, D.O. & Joseph R. D. deKay, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Julie Best, Consumer Outreach Specialist; Det. James Gioia, Office of the Attorney General; Abigail Varga, Esquire; Christopher Taintor, Esquire; Angela Westhoff, Executive Director, Maine Osteopathic Licensure; Donald Polk, DO, Immediate Past Chair, FSMB¹ Board of Directors, & Lisa Robin, MLA, FSMB Chief Advocacy Officer

I. Complaints & Investigations

Dr. Thomas recited the Complaint Script. All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted.

A. CR2015-37

Board members reviewed the draft Letter of Guidance as voted at the February meeting as well as a letter from the licensee's attorney. Following the review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Ms. Michaud and voted to rescind the Board's February 2016 decision to dismiss the complaint with a Letter of Guidance. Motion passed with Dr. Gaddis opposed. Ms. McIntyre, Case Reporter, did not vote.

After additional review and discussion, a new motion was made:

MOTION: Made by Dr. Piper, seconded by Ms. Michaud and voted to dismiss the complaint as it did not rise to a level which would warrant action against the licensee. Motion passed with Dr. Gaddis opposed. Ms. McIntyre, Case Reporter, did not vote.

B. CR2015-41

Following a thorough review of the complaint, response, rebuttal and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Thomas, Case Reporter, did not vote.

C. CR2015-46

Following a thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not merit further Board action. Ms. Michaud, Case Reporter, did not vote.

D. CR2015-51

Following a thorough review of the complaint, response and other materials gathered, the Board took this action:

¹ Federation of State Medical Boards

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MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Piper, Case Reporter, did not vote.

II. Consent Agreement/Board Decision & Order Compliance & Updates

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted the communication from the licensee and his request for approval to work, part-time at *Recover Together*, an addiction recovery clinic. Following discussion, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper to approve the licensee's request to work, limited hours on a part-time basis, in the Auburn location. Final approval will be given once the Case Reporter has had an opportunity to speak with those who will be monitoring and mentoring the licensee and he is assured that 1) an appropriate system is in place and, 2) monthly reports will be submitted to the Board. Dr. Thomas, Case Reporter, did not vote.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted the MaineCare exclusion letter. Dr. Thomas also noted that there were no new complaints or concerns. No Board action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted Det. Gioia's Summary of Investigation, prepared following his visit to the licensee's practice, as required pursuant to the terms of his Consent Agreement. Board members noted no concerns. No Board action was necessary.

D. Gary Winn, D.O.

Dr. Thomas, Case Reporter, noted no concerns. No Board action was necessary.

III. Federation of State Medical Boards Presentation – Donald Polk, DO & Lisa Robin, MLA

Ms. Robin and Dr. Polk joined the Board meeting, providing an overview of the many services and support available to the Federation's member medical and osteopathic boards. Board members discussed several issues and had multiple questions for Ms. Robin and Dr. Polk with both offering their assistance with future questions/issues.

IV. Minutes/Revenue & Expense Reports

A. Review of Draft February 2016 Meeting Minutes

The minutes were not finalized; final review was tabled until the April meeting.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

V. Other Business

A. Federation of State Medical Boards

- **Resolutions**

Board members briefly discussed, earlier with Dr. Polk and Ms. Robin, two (2) resolutions which will be considered by the House of Delegates at the annual Federation meeting in late April. No action was necessary.

- **Report of the Bylaws Committee**

Board members reviewed the report. No action was necessary.

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- **Draft Position Statements**

As with the resolutions noted above, Board members reviewed and briefly discussed, with Dr. Polk and Ms. Robin, the four (4) draft position statements which will be considered by the House of Delegates in late April. No Board action necessary.

- **Article re Physician Sexual Misconduct**

Board members reviewed and briefly discussed the article. No action was necessary.

B. Legislation

Board members reviewed and briefly discussed LD690 (An Act to Ensure the Safety of Home Birth), LD1586 (Right to Know) & LD1628 (An Act to Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants).

Board members also discussed the Governor's bill(s) which will be published soon regarding penalties for drug offenses and the law which governs the Prescription Monitoring Program. No action was necessary.

VI. Licensure Matters

Following circulation and review of one application for permanent licensure, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to approve the application submitted by Christopher Abbott, D.O.

There were no new PA applications to be reviewed.

VII. Adjournment

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to adjourn the meeting at 1:15 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
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Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of April 14, 2016 Board Meeting – 9:30 a.m. – 1:30 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Gary Palman, D.O.; Melissa Michaud, PA-C; John F. Gaddis, D.O. Board Members Excused: Natania Piper, D.O., Board Secretary; Marty W. McIntyre, Public Member; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association; Emily Bloch, Esquire; Susan Crane, Esquire, Maine Medical Association; Kirsten Thompson, PA-C

I. Complaints & Investigations

All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. Dr. Thomas recited the Complaint Script.

A. CR2015-28

Dr. Palman, Case Reporter, discussed his summary of the patient charts received pursuant to subpoena. Following their review, the Board took this action:

MOTION: Made by Dr. Thomas and seconded by Dr. Gaddis to authorize further investigation with 5 additional charts to be subpoenaed for review, followed by an Informal Conference.

Following additional discussion, Dr. Thomas rescinded his motion at the request of Dr. Gaddis who then made this motion:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to authorize further investigation with 3 charts to be subpoenaed for review, with a specific focus. Dr. Thomas clarified that the Informal Conference could wait and be scheduled following the additional reviews, if warranted. Dr. Palman, Case Reporter, did not vote.

B. CR2015-31

Following thorough review of the complaint, filed on the Board's own motion based on a hospital report), the licensee's written response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted to dismiss the complaint filed on the Boards' own motion (following the receipt of a hospital report) but to issue a Letter of Guidance cautioning the licensee to be mindful of her professional responsibilities, how significant they are and that failure to comply with recordkeeping responsibilities could adversely impact the health of her patients. Dr. Thomas was opposed to the motion.

C. CR2015-35

Following thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Further Board action. Dr. deKay, Case Reporter, did not vote.

D. CR2015-38

Following a thorough review of the complaint (filed on the Board's own motion, based on a hospital report) and the materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. deKay and voted to dismiss the complaint and issue a Letter of Guidance which will remain on file for 10 (ten) years. The purpose of the letter is to remind the licensee to be mindful that the principles of medical ethics that define the essentials of honorable behavior for physicians apply to every aspect of the practice of medicine, including the fees charged for services, therefore requiring accurate and appropriate coding and billing. Dr. Thomas was opposed.

E. CR2015-40

Following thorough review of the complaint, response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Further Board action. Ms. Michaud, Case Reporter, did not vote.

F. CR2015-48

The Board thoroughly reviewed the complaint, the licensee's response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did rise to a level which would warrant action against the licensee. Ms. Michaud, Case Reporter, did not vote.

G. CR2015-49

The Board thoroughly reviewed the complaint (filed on the Board's own motion based on the licensee's response to questions on his last 2 (two) renewal applications), the licensee's written response and additional documents gathered and then took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Further Board action. The licensee's renewal application was approved for issue.

H. CR2015-53

Dr. Gaddis, Case Reporter, noted that the subject of the complaint was 40+ years old and that no records from that time were available to the licensee. Following their review of the complaint, the licensee's response and the rebuttal submitted by the complainant, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not merit Further Board action. Dr. Gaddis, Case Reporter, did not vote.

I. CR2015 54

Dr. Gaddis, Case Reporter, briefly discussed the complaint with the Board and following their review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to dismiss the complaint as it did not merit further Board action.

J. CR2016-01

Following thorough review of the complaint, the licensee's written response and the medical records gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant any further Board action.

K. CR2016-02

Following thorough review of the complaint, the licensee's written response and other materials gathered, the Board took this action:

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MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to table review pending the receipt of additional medical records.

L. CR2016-03

Following thorough review of the complaint, the licensee's written response and other materials gathered, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not merit further Board action. Ms. Michaud, Case Reporter, did not vote.

At this time, the Board voted (Dr. Thomas, Dr. deKay) to go into Executive Session for legal advice based on 1 MRS §405 (6) (E). Once again in Public Session, the Board took this action:

M. IN2016-12

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to issue a formal Board complaint against the licensee regarding the licensee's alleged practice of leaving signed, blank prescriptions to be completed by staff for patients in need of medications while the licensee was away on vacation. Ms. Michaud, Case Reporter, did not vote.

II. Angela Westhoff, Executive Director, Maine Osteopathic Association

Because she needed to leave for another commitment, the Board invited Angela Westhoff, Executive Director of the Maine Osteopathic Association, to speak for a few moments prior to beginning the next agenda item. Ms. Westhoff reminded the Board of the MOAs upcoming Oceanside Conference at the Somerset Resort in Rockport at the beginning of June and in addition, the possibility that Regina Benjamin, M.D., physician and a former vice admiral in the U.S. Public Health Service Commissioned Corps who served as the 18th Surgeon General of the United States will agree to be the keynote speaker at the Friday luncheon. Ms. Westhoff also noted that a reception will be held during the conference, honoring Boyd Buser, D.O. (who has held a Maine license since 1986) as incoming president of the American Osteopathic Association.

III. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no contact from the licensee but that he has been approved to practice at Recover Together, at the Auburn location only. Dr. Thomas reported having spoken with both his work monitor and his mentoring physician. No Board action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no Consent Agreement compliance issues or other concerns. No Board action was necessary; the next reports are due in May.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no issues. No Board action was necessary.

D. Gary Winn, D.O.

Dr. Thomas, Case Reporter, noted no new issues and that the licensee had complied with the requirements of the Board Order. Board members determined that due to his compliance, it is not necessary to list him on the agenda each month.

IV. Minutes/Revenue & Expense Reports

A. Review of Draft February & March 2016 Meeting Minutes

Following review of the Feb & March minutes, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted unanimously to approve the February & March 2016 minutes as written. Dr. deKay noted that he did not specifically vote on the March minutes due to his absence that month.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

V. Miscellaneous

A. Chapter 2 – Review of Comment Summary/Draft Responses to Joint Physician Assistant Rule

Board members reviewed the comments received, discussed the proposed responses to comments and proposed changes to the proposed rule resulting therefrom, and voted to proceed with the proposed changes, understanding that due to substantive changes, the rule must be published again, allowing the statutorily required 30 (thirty) day comment period.

B. Review of Draft Jurisprudence Exam

Board members reviewed the draft exam and asked that it be placed on the agenda again for further review at the May meeting.

C. Federation of State Medical Boards

It was noted that Dr. Rydell will represent the Board later this month at the annual FSMB meeting.

D. Legislation

Board members reviewed and discussed the final draft of LD1646 'An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program', provided by Commissioner Anne Head. No Board action was necessary.

VI. Licensure Matters

A. Permanent Licensure Applications (D.O.)

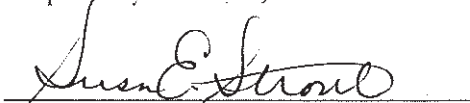
Following circulation and review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Palman and voted unanimously to approve the permanent licensure applications submitted by: Rachel Kerner, D.O.; Stephen Augustine, D.O., Amber Hayden, D.O., Travis Lajoie, D.O.; Christina Kapala, D.O.; Sean Stanhope, D.O.; Jesse Guasco, D.O.; William Noble, D.O. and Tawana Nix, D.O.

MOTION: Made by Dr. Thomas, seconded by Dr. deKay and voted unanimously to table action on the application submitted by Robert Christopher, D.O. as it was incomplete.

Dr. Thomas made a motion, seconded by Ms. Michaud, to adjourn the meeting at 1:30 p.m.

Respectfully submitted,


Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
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Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of May 12, 2016 Board Meeting – 9:30 a.m. – 11:45 a.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Gary Palman, D.O.; Melissa Michaud, PA-C; John F. Gaddis, D.O.; Natania Piper, D.O., Board Secretary; Marty W. McIntyre, Public Member; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Angela Cole Westhoff, Executive Director

I. Complaints & Investigations

All complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. There being no members of the public present, the Complaint Script was not recited.

A. CR2016-06

Dr. Gaddis, Case Reporter, discussed his summary of the complaint, noting that the complainant did not follow through with the necessary paperwork. Following discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted to dismiss the complaint. Dr. Gaddis, Case Reporter, did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted correspondence from the Medical Professionals Health Program and a report from the licensee's mentor, Philip Amidon, M.D. No Board action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no Consent Agreement compliance issues or other concerns. No Board action was necessary; the next reports are due in August.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no new issues. No action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of Draft April 2016 Meeting Minutes

Following review of the April minutes, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted to approve the April 2016 minutes as written.

Dr. Rydell, Ms. McIntyre and Dr. Piper noted affirmative votes but that they were not present for the meeting April meeting.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

IV. Miscellaneous

A. Review of Maine Supreme Judicial Court Decision

AAG Miller discussed the court decision which was, in part, related to a complaint reviewed by the Board some time ago. No Board action was necessary.

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B. Review of Draft Jurisprudence Exam

Board members reviewed the draft exam and took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Thomas and voted unanimously to approve the draft exam with two corrections, as noted.

C. Federation of State Medical Boards

Dr. Rydell noted having represented the Board at the FSMB's Annual Meeting in late April and discussed some of the highlights of the meeting. The meeting will be held in Fort Worth TX in 2017.

D. Legislation

Board members reviewed and discussed several new laws and the work that will need to be done (rulemaking, etc.) as a result of the passing of these laws. No Board action was necessary.

E. Opioid Bill News Release

Board members reviewed and briefly discussed the news release. No Board action was necessary.

F. Maine.gov News Release – AAG Miller Recognition

Board members took note of Attorney General Janet Mills' recognition of AAG Miller, legal counsel to the Board.

G. Consumer Reports – Medical Board Website Ratings

Board members noted this Board's rating in Consumer Reports and that Board's in general are given a 'Fail' for not publishing information which by law, is prohibited from being published.

V. Licensure Matters

D. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Rydell, seconded by Ms. McIntyre and voted unanimously to approve the permanent licensure applications submitted by: Robert Christopher, D.O.; Samuel Madore, D.O.; Anna Veatch, D.O.; Sebastian Jablonski, D.O.; Joseph Charpentier, D.O.; Joseph Scott, D.O.; John Walker, D.O.; Zachary Mueller, D.O.; Amanda Querry, D.O., Andrei Zaslavsky, D.O. and David Werner, D.O.

VI. Angela Westhoff, Executive Director, Maine Osteopathic Association

Ms. Westhoff briefly noted some of the highlights of the upcoming MOA Annual Conference at the Samoset Resort in Rockport in early June. The Board also explained/discussed (with the assistance of AAG Miller) with Ms. Westhoff the next steps in the rule-making process once the June 3 comment period has passed and that the revised Chapter 2 regarding Physician Assistants will be adopted as soon as allowed by law.

Dr. Thomas made a motion, seconded by Ms. Michaud, to adjourn the meeting at 11:45 a.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
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Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of June 9, 2016 Board Meeting – 9:30 a.m. – 11:45 a.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Gary Palman, D.O.; Melissa Michaud, PA-C; John F. Gaddis, D.O. Board members excused: Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Marty W. McIntyre, Public Member; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Det. James Gioia, Office of the Attorney General; Angela Cole Westhoff, Executive Director

I. Introduction – Savannah Okoronkwo, Consumer Assistance Specialist

Ms. Okoronkwo, who comes to us from the DEEP Program where she worked for several years, was welcomed as the new Consumer Assistance Specialist. Ms. Okoronkwo started on May 31st.

II. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. There being no members of the public present, the Complaint Script was not recited.

A. CR2016-09

Dr. Gaddis, Case Reporter, noted that the complainant wished to withdraw her complaint. Following a brief discussion, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Ms. Michaud and voted to dismiss the complaint. Dr. Gaddis, Case Reporter, did not vote.

III. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Board members reviewed the required reports and asked that the Executive Secretary contact the licensee's employer to inform him that the Board has no jurisdiction over pharmacies. The Board also noted the report of a positive toxicology test determined to take no further action at this time based upon recommendation/report of MPHP. The Board also noted the report from the licensee's mentor. Dr. Thomas, Case Reporter, was not present. No action was necessary.

B. John Herzog, D.O.

In the absence of Dr. Thomas, Case Reporter, the Executive Secretary noted no new issues. No action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no new issues. Board members asked if the licensee was being billed for the costs associated with Det. Gioia's travel and time. The Executive Secretary will provide the licensee with an invoice based on Det. Gioia's next review. No action was necessary.

IV. Minutes/Revenue & Expense Reports

A. Review of May 2016 Meeting Minutes

Following review of the April minutes, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted to approve the May 2016 minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

V. Miscellaneous

A. Joint Rule – Chapter 2 – Physician Assistants

Following final review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted unanimously to adopt Chapter 2, a joint rule with the Board of Licensure in Medicine.

B. Joint Rule – Chapter 21 – Use of Controlled Substances for Treatment of Pain

Following review and brief discussion, Board members took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to table further review and discussion until the July 2016 meeting.

C. DHHS Minimum Data Set Survey Project Summary

The Board reviewed the information presented and that the grant request has been submitted. No action necessary.

D. MedScape Article: the Myth of Morphine Equivalent Daily Dosage

The Board reviewed and briefly discussed the article. No action was necessary.

E. Federation of State Medical Boards

1. Board of Directors Meeting Highlights

Board members reviewed the highlights. No action was necessary.

2. Uniform Application Update

Ms. Strout reported that as applications circulate, the Board will see an updated and significantly different format for the Uniform Application. The same information is included. In addition, the FSMB also offers its Physician Data Center Practitioner Profile which draws data from all member boards – the report can be generated at any time and will have the most up to date licensing information. Board members agreed to begin accepting this in lieu of state licensing Board verifications which, by the time an application is ready for review, might be up to 120 days old.

VI. ME Quality Counts Presentation – Amy Belisle, MD & Gordon Smith, Esquire

Board members thanked Dr. Belisle and Mr. Smith for their presentation and noted that while the Board would be interested in contributing toward this worthwhile program, statutory restrictions prevent it.

VII. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to approve the permanent licensure applications submitted by: Carl Daniel, D.O.; Erin Schwarz, D.O.; Marcus Christiansen, D.O.; Annette Goodman, D.O.; Paula Strait, D.O.; Nathan Ponitz, D.O.; Christine Bender, D.O.; William Sturgill, D.O.; Sarah Hoffman, D.O.; Sean O'Sullivan, D.O.; John Walker, D.O.; Zachary Mueller, D.O.

Continued from Page 2 of 3 – June 9, 2016 Board of Osteopathic Licensure Meeting Minutes

After additional review, the Board took this action on one other application:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted to approve the application for permanent licensure submitted by Laura Kelley, D.O.

Dr. Gaddis made a motion, seconded by Ms. Michaud, to adjourn the meeting at 11:45 a.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan E. Strout", is written over a horizontal line.

Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of July 14, 2016 Board Meeting – 9:30 a.m. – 12:30 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; John F. Gaddis, D.O.; Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Marty W. McIntyre, Public Member. Board members excused: Gary Palman, D.O.; Melissa Michaud, PA-C; David Rydell, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Angela Westhoff, Executive Director

I. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. There being no members of the public present, the Complaint Script was not recited.

A. CR2016-02

Although Dr. Rydell, Case Reporter, was unable to be present, the Board felt that there was sufficient information to move forward with review. Following the review and a discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action.

B. CR2016-04

Dr. Piper, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas and seconded by Dr. deKay to dismiss the complaint as it did not rise to a level which would warrant Board action. After discussion, there were no votes in favor of dismissal and the motion was withdrawn.

Following additional discussion, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint but to issue a Letter of Guidance reminding the licensee that 1) it is very important to understand a patient's expectations of the care he or she will receive as well as providing a clear explanation of the care that may or will be provided; 2) good communication in a physician/patient relationship is absolutely necessary in providing the best possible care, and 3) it is necessary to accurately and thoroughly document everything in the patient's medical record. The Letter of Guidance will remain on file for a period of one (1) year. Dr. Piper did not vote.

C. CR2016-05

Dr. Piper, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to dismiss as it did not merit further Board review. Dr. Piper did not vote.

D. CR2016-17

Dr. Thomas, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not merit further Board action. Dr. Thomas did not vote.

E. CR2016-18

Dr. Gaddis, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant further Board action. Dr. Gaddis did not vote.

F. IN2016-22

Dr. deKay provided an overview of the issue concerning this licensee. Following discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to close the investigation as but to communicate to the licensee that the Board strongly encourages him to follow any suggestions he receives from the Medical Professionals Health Program. The licensee's renewal will be issued.

G. IN2016-24

Board members reviewed a report from the Board of Licensure in Medicine regarding an osteopathic physician supervising a physician assistant without having submitted an application or the appropriate fees. Because an allopathic physician working at the same practice noted having planned to submit all of the paperwork but neglected to do so, the Board, following discussion, took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Piper and voted to close the investigation as Board action was not warranted. Dr. Gaddis abstained from voting.

H. IN2016-25

Board members reviewed a report from the Board of Licensure in Medicine regarding an osteopathic physician supervising a physician assistant without either of them having submitted an application or the appropriate fees. Review of documentation indicated that the physician assistant had attempted to work with the company handling human resources work for the employer but that they had not followed through and he ended up losing his job. The physician no longer resides or practices in Maine. Following discussion, took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to close the investigation as Board action would not be warranted.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Board members reviewed the reports received as well as a request from the licensee for approval to work additional hours at Recover Together (now 'Groups Recover Together'). Following review and no concerns from Dr. Thomas, Case Reporter, the Board took this action:

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to approve the request for an increase in hours worked at the Auburn, ME location only.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no issues of concern. No action was necessary.

C. Bradley Libenson, D.O.

Board members reviewed Det. Gioia's report regarding his most recent visit to the licensee's office, which indicated no concerns except that Board members would like Dr. Palman, Case Reporter, to remind the licensee that the legibility of the patient medical records he creates is of the utmost importance. No other action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of June 2016 Meeting Minutes

Because the minutes were not ready, this was tabled.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports. No Board action was necessary.

IV. Other Business

A. Review of PA Application/Registration Form for Physician Assistants

Following review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to accept the forms as written.

B. MEAPA¹ Response to Proposed Chapter 2 (PA Rule)

Board members reviewed the letter. No action was necessary.

C. FSMB² Correspondence re: New Telehealth Proposal

The Board reviewed the information from the FSMB and took this action:⁴

MOTION: Made by Ms. McIntyre, seconded by Dr. Piper and voted unanimously to draft a letter, as requested, asking that the language in *HR4909, Section 705 (d): Location of Care* (for Tri-Care patients) be stricken during conference as it would redefine the practice of medicine to occurring at the location of the provider as opposed to the location of the 9.4 million patients themselves. Dr. deKay, Ms. McIntyre and Ms. Strout will work on a draft, to be reviewed by AAG Miller.

D. FSMB Report re: Marijuana Model Guidelines

The Board reviewed and briefly discussed the article. No action necessary.

E. JSAD³ Annual Report

The Board reviewed and briefly discussed the manuscript and commentary. No action necessary.

F. Nova Southeastern University Annual Drug Diversion Report

Board members reviewed and noted the report. No action was necessary.

V. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to approve the permanent licensure applications submitted by: Lindsay Ackley-Pozzessere, D.O.; John Allerdine, D.O.; Hillary Haas, D.O.; Romeo Lucas, D.O.; Nicholas Phillips, D.O.; Robert Rankin, D.O.; Jason Remick, D.O.; Chelsea Roan, D.O.; Michelle Sansky, D.O.; Stephen Matta, D.O.

Dr. Gaddis made a motion, seconded by Ms. McIntyre, to adjourn at 12:30 p.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

¹ Maine Association of Physician Assistants

² Federation of State Medical Boards

³ Journal of Studies on Alcohol and Drugs

Minutes of August 11, 2016 Board Meeting – 9:30 a.m. – 11:30 a.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; John F. Gaddis, D.O.; Gary Palman, D.O.; Melissa Michaud, PA-C; David Rydell, D.O. Board members excused: Scott Thomas, D.O., Vice-Chair; Marty McIntyre, Public Member; Natania Piper, D.O., Board Secretary.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Maureen Sturtevant, Esquire; Angela Westhoff, Executive Director, Maine Osteopathic Association; Karl Saba, D.O.; Ashley Arra, Esquire

I. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. It was noted that for various reasons, the following complaint reviews would be on a future agenda: CR2015-34 and CR2016-08. There being no members of the public present, the Complaint Script was not recited.

A. CR2015-50

Dr. deKay, Case Reporter, provided an overview of the case. Following their review and a discussion, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote

B. CR2016-07

Ms. Michaud, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. deKay and voted to table any action pending additional investigation by Det. Gioia as directed by the Board/Case Reporter. The Case Reporter did not vote.

C. CR2016-30

Dr. Piper, Case Reporter, presented an overview of the case. Following review and discussion of the complaint as well as the complainants request to withdraw her complaint, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted unanimously to accept the request and dismiss as further review was not warranted. The Case Reporter did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

In the absence of the Dr. Thomas (Case Reporter), Board members reviewed the reports received and noted information from the MMPHP¹. The Board will await confirmation of the results prior to making any determination. No action was taken.

B. John Herzog, D.O.

In the absence of Dr. Thomas (Case Reporter) no issues of concern were noted; next reports due November 2016. No action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no concerns. The Executive Secretary was asked to reach out to the New Hampshire

¹ Maine Medical Professionals Health Program

Board to ensure that there are no current concerns. No action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of June & July 2016 Meeting Minutes

Following their review, the Board took these actions:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted unanimously to accept the June 2016 minutes as written.

MOTION: Made by Dr. Palman, seconded by Dr. Gaddis and voted unanimously to accept the July 2016 minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports for July 2016. No Board action was necessary.

IV. Other Business

A. Announcement of ASAM Award Winner – Mark Publicker, M.D.

Board members noted the announcement. No action was necessary.

B. Draft Telemedicine Standards of Practice Rule

Board members tabled this review until the October meeting.

C. Invitation of NBOME² Visitation Day – November 7, 2016

Board members noted the invitation.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to approve the permanent licensure applications submitted by: Amanda Ryan, D.O.; Ava Swayze, D.O.; Lisa Lucas, D.O.; Asfa Shad, D.O.; Sheldon Stevenson, D.O.; Trent Peppard, D.O.; Adam Hetland, D.O.

B. Physician Assistant Applications

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Palman and voted unanimously to approve the application submitted by Ainsley Price, PA-C.

It was noted there would be, as usual, no meeting in September 2016. Dr. Rydell stated this would be his final meeting due to his new job/move to Indiana; Board members and staff wished him well.

Dr. Gaddis made a motion, seconded by Ms. Michaud, to adjourn at 11:30 a.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary

² National Board of Osteopathic Medical Examiners

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of October 13, 2016 Board Meeting – 9:30 a.m. – 1:00 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; John F. Gaddis, D.O.; Gary Palman, D.O.; Melissa Michaud, PA-C; Marty McIntyre, Public Member.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Emily Bloch, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association.

I. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. The Complaint Script was recited by Dr. Piper.

A. CR2016-23

Dr. Palman, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote

Dr. Thomas joined the meeting during the following review and discussion.

B. CR2015-34

Dr. Gaddis, Case Reporter, presented an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Thomas and voted to dismiss the complaint as it did not rise to a level which would warrant Board action. Ms. McIntyre and Dr. deKay were opposed; Dr. Palman abstained. Motion carried with Dr. Thomas, Dr. Piper and Ms. Michaud in favor. The Case Reporter did not vote.

MOTION: Made by Dr. deKay to issue a Letter of Guidance; there being no second, the motion was withdrawn.

AAG Miller left the room prior to the next complaint review.

C. CR2016-08

Dr. Palman, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. Michaud and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

AAG Miller returned to the meeting during the following complaint review.

D. CR2016-10

Dr. Thomas, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

E. CR2016-12

Ms. Michaud, Case Reporter, provided an overview of the information received from the licensee. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to table any action pending

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further investigation. The motion also included an invitation to attend an Informal Conference at a future meeting. The Case Reporter did not vote.

F. CR2016-13

Dr. Palman, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

G. CR201-29

Ms. McIntyre, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Piper and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding communications with other professionals. Dr. Thomas was opposed. The Case Reporter did not vote.

H. CR2016-32

Dr. Thomas, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

I. CR2016-33

Dr. Palman, Case Reporter, provided an overview of the case. Following their review and a discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

J. CR2016-35

Dr. Piper, Case Reporter, provided an overview of the case. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. Dr. Piper and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

K. CR2016-38

Dr. Palman, Case Reporter, provided an overview of the complaint. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. McIntyre and voted unanimously to table any action pending further investigation. The Case Reporter did not vote.

L. CR2016-21

Ms. McIntyre, Case Reporter, provided an overview of the complaint. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no concerns with the reports received. No action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no issues of concern; next reports due November 2016. No action was necessary.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no concerns. Det. Gioia plans another site visit, as allowed pursuant to the Consent Agreement. No action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of August 2016 Meeting Minutes

Following their review, the Board took these actions:

MOTION: Made by Dr. Thomas seconded by Dr. Palman and voted unanimously to accept the August 2016 minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports for August & September 2016. No Board action was necessary.

IV. Other Business

A. Review of Chapter 6 – Telemedicine Standards of Practice

Board members reviewed the draft rule and, following discussion, took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Palman and voted unanimously to approve the Basis Statement and the Response to Comments and adopt joint rule Chapter 6, Telemedicine Standards of Practice.

B. Legislative Information

This was informational only. No Board action necessary.

C. FOAA¹ Information

AAG Miller provided discussed the information from Commissioner Anne Head which indicates an opinion that agencies may not request pre-payment of the costs associated with complying with FOAA requests.

D. FSMB² Information

This was informational only. No Board action necessary.

E. ACGME³ Correspondence

This was informational only. No Board action necessary.

F. NBOME⁴ Correspondence

Board members noted that the NBOME has been recognized for CPEP⁵ Competency Assessment or Reentry Evaluation.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to approve the permanent

¹ Freedom of Access Act

² Federation of State Medical Boards

³ Accreditation Council for Graduate Medical Education

⁴ National Board of Osteopathic Medical Examiners

⁵ Center for Personalized Education for Physicians

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licensure applications submitted by: Mikhail Yakubov, D.O.; Jeffrey Lee, D.O.; Debra Rodes, D.O.; Amanda Rago, D.O. and Jessica D'Amico, D.O.

B. Physician Assistant Applications

It was noted there were no PA applications ready for review at this meeting.

Dr. Gaddis made a motion, seconded by Ms. McIntyre, to adjourn at 1 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan E. Strout", is written over a horizontal line.

Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure
142 Sate House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of November 10, 2016 Board Meeting – 9:30 a.m. – 1:00 p.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Gary Palman, D.O.; Melissa Michaud, PA-C. Members Excused: John F. Gaddis, D.O.; Marty McIntyre, Public Member.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Det. James Gioia, Office of the Attorney General; Emily Bloch, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association and Elizabeth Peck, Esquire.

I. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. The Complaint Script was recited by Dr. Piper.

A. CR2015-12

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

B. CR2015-45

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Palman and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

C. CR2015-47

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Piper and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

D. CR2016-27

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Palman and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

E. CR2016-11

Dr. Piper, Case Reporter, provided an overview of the information received from the licensee. Following review and discussion, the Board took this action:

MOTION: Made by Dr. deKay, seconded by Dr. Thomas and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

F. CR2016-34

Dr. Thomas, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Piper and voted unanimously to dismiss the complaint but to issue a Letter of Guidance regarding professional behavior, on file for 5 years. The Case Reporter did not vote.

G. CR2016-37

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Palman, seconded by Dr. Thomas and voted unanimously to table any action on the matter pending further investigation. The Case Reporter did not vote.

H. CR2016-39

Dr. Thomas, Case Reporter, provided an overview of the case and noted that the complainant had submitted a request to withdraw the complaint. Following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Dr. Gaddis and voted unanimously to close/dismiss the matter per the complainants request to withdraw her complaint. The Case Reporter did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no concerns with the reports received. No action was necessary.

B. John Herzog, D.O.

Dr. Thomas, Case Reporter, noted no concerns and that the licensee had complied with all requirements of his Consent Agreement.

MOTION: Made by Dr. deKay, seconded by Ms. Michaud to notify those responsible for submitting required reports that they no longer need to do so while encouraging them to report any future concerns for the licensee. The customary monthly report to the Board regarding compliance will not be necessary in the future unless concerns are brought to the Board's attention. The Case Reporter did not vote.

C. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no concerns. Det. Gioia plans another site visit, as allowed pursuant to the Consent Agreement. No action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of October 2016 Meeting Minutes

Following their review, the Board took these actions:

MOTION: Made by Dr. Thomas seconded by Dr. Piper and voted unanimously to accept the October 2016 minutes as written.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports for October 2016. No Board action was necessary.

IV. Other Business

A. Review of Chapter 6 – Telemedicine Standards of Practice

Board members again reviewed the proposed rule and, following discussion, took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. Palman and voted unanimously to approve the Basis Statement and the Response to Comments and adopt joint rule Chapter 6, Telemedicine Standards of Practice.

B. Chapter 21 – Draft Prescribing Rule

Board members made some suggestions to be passed along to the other Boards. No formal Board action necessary.

C. Federation of State Medical Boards

Board members reviewed the information in their meeting packets. No Board action was necessary.

D. PA Registration Application

Board members reviewed the draft application materials and took this action:

MOTION: Made by Ms. Michaud, seconded by Dr. deKay and voted unanimously to approve and put into production, the revised application(s), as drafted.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

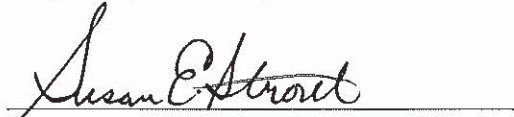
MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to approve the permanent licensure applications submitted by: Samira Hasan, D.O.; Meagan Kingman, D.O. and Frank Mazone, D.O.

B. Physician Assistant Applications

It was noted there were no PA applications ready for review at this meeting.

Dr. Gaddis made a motion, seconded by Ms. Michaud, to adjourn at 1 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan E. Strout", is written over a horizontal line.

Susan E. Strout, Executive Secretary

Maine Board of Osteopathic Licensure 142
State House Station, 161 Capitol Street
Augusta, ME 04333-0142
Phone: (207) 287-2480/Fax: (207) 287-3015

Minutes of December 8, 2016 Board Meeting – 9:30 a.m. – 11:45 a.m.

Members Present: Joseph R. D. deKay, D.O., Board Chair; Scott Thomas, D.O., Vice-Chair; Natania Piper, D.O., Board Secretary; Melissa Michaud, PA-C; John F. Gaddis, D.O.; Marty McIntyre, Public Member. Member Excused: Gary Palman, D.O.

Others Present: Susan E. Strout, Executive Secretary; Michael Miller, Assistant Attorney General; Savannah Okoronkwo, Consumer Assistance Specialist; Emily Bloch, Esquire; Angela Cole Westhoff, Executive Director, Maine Osteopathic Association and Rob Hatch, Esquire.

I. Complaints & Investigations

Complaint reviews are conducted in Public Session without the use of names, unless otherwise noted. The Complaint Script was recited by Dr. Thomas.

A. CR2016-16

Dr. Piper, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Gaddis, seconded by Ms. McIntyre and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

B. CR2016-31

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Thomas, seconded by Ms. Michaud and voted unanimously to dismiss the complaint as it did not rise to a level which would warrant Board action. The Case Reporter did not vote.

C. CR2016-37

Dr. deKay, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Thomas and voted unanimously to move to an adjudicatory hearing, to be scheduled during a future monthly meeting. The Case Reporter did not vote.

D. IN2016-48

Ms. McIntyre, Case Reporter, provided an overview of the case and following review and discussion, the Board took this action:

MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to issue a Board complaint based on the information reviewed. The Case Reporter did not vote.

II. Consent Agreement/Board Order Compliance Reviews

A. Paul Gosselin, D.O.

Dr. Thomas, Case Reporter, noted no concerns with the reports received. No action was necessary.

B. Bradley Libenson, D.O.

Dr. Palman, Case Reporter, noted no concerns. Det. Gioia, who was unable to attend the meeting, does plan another site visit as soon as possible, allowed pursuant to the terms of the Consent Agreement. No action was necessary.

III. Minutes/Revenue & Expense Reports

A. Review of November 2016 Meeting Minutes

The November 2016 meeting minutes were not yet finalized and will be presented for review at the January 2017 meeting.

B. Revenue & Expense Reports

The Board reviewed and accepted the financial reports for November 2016. No Board action was necessary.

At this time, Dr. Thomas made a motion, seconded by Dr. Gaddis, to go into Executive Session, pursuant to 10 MRS §8003-B (1), regarding **CR2016-37 (see Item 1.C. from Page 1)**. Once again in Public Session, it was noted that Dr. Thomas asked one brief question for clarification purposes only. No Board action was necessary.

IV. Other Business

A. Chapter 21 – Draft Prescribing Rule (w/edits from 11/2016)

Board members had multiple suggestions regarding the rule but following discussion and understanding that it was too late to do so, took this action:

MOTION: Made by Ms. Michaud, seconded by Ms. McIntyre and voted unanimously to formally adopt the rule, as written.

B. Federation of State Medical Boards

Board members reviewed correspondence from the FSMB and discussed Committee Appointments. Dr. Piper was interested in committee membership but did not feel she would be able to devote the time necessary due to work obligations.

C. DEA Bulletin: Canada Approves Prescribing of Heroin

Board members reviewed and briefly discussed the bulletin. No Board action was necessary.

V. Licensure Matters

A. Permanent Licensure Applications (D.O.)

Following circulation and review, the Board took this action:

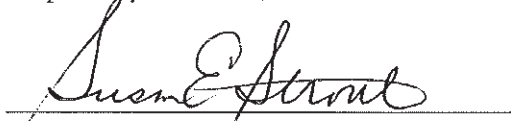
MOTION: Made by Dr. Piper, seconded by Dr. Gaddis and voted unanimously to approve the permanent licensure applications submitted by: Zachary Soucy, D.O.; Kristen Wagner, D.O., Brandi Wiseman, D.O., Molly O'Malley and Robin Caron, D.O.

B. Physician Assistant Applications

It was noted there were no PA applications ready for review at this meeting.

Dr. Gaddis made a motion, seconded by Ms. McIntyre, to adjourn at 11:45 a.m.

Respectfully submitted,



Susan E. Strout, Executive Secretary